

REMARKS

In response to the Office Action of July 27, 2004, Applicants hereby elect a species of cationic immunoliposome.

The examiner indicated that to be in compliance with the election requirement, Applicants must elect a specific nucleic acid cationic liposome, specifying whether the liposome is pre- or post-linked to an antibody or antibody fragment, and further indicating the receptor to which it binds and the specific DNA within the liposome. In accordance with the specifics of the request, Applicants hereby elect an immunoliposome comprising a pre-linked antibody fragment that binds a transferrin receptor and further comprises DNA encoding wild type p53. Applicants hereby request, however, that the examiner consider broadening the species to an immunoliposome comprising a pre-linked antibody fragment that binds a transferrin receptor and further comprises a gene. Liposomes are useful gene delivery tools because they can incorporate a wide variety and size of nucleic acid molecules. Thus, for the formation of antibody fragment-linked liposome complexes as described and claimed in this invention, plasmid DNA carrying any of a wide variety of genes can be used. The liposome's function and behavior does not change whether it is carrying DNA encoding p53, Rb94, β -galactosidase or other therapeutic or diagnostic DNA of interest. Key to the functioning of the immunoliposome is the ratio of protein:lipid and nucleic acid:lipid.

To be fully responsive to the election requirement, Applicants are required to list all claims readable on the elected species. In response to a restriction requirement, Applicants previously elected the claims of Group II, claims 1-12, for examination on the merits, although they also have requested that the examiner reconsider the restriction requirement in light of the amendments to the claims and arguments presented in the response to the restriction requirement. If the restriction requirement is made final, all of the pending claims of Group II read on the species, and new claim 69 is specifically directed to the elected species. If the examiner reconsiders the restriction requirement as requested by Applicants and ultimately determines that all of the now-pending claims can be examined together, the claims of the other groups also are generic and new claims 70-72 also are directed specifically to the elected species.

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